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FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC IMMEDIATE 7821

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DEPT FOR L/LEI - JCOGAN

E.O. 12958: N/A

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SUBJECT: EXTRADITION: RTG PROVIDES ASSURANCES FOR SUWIT
PRASOPRAT

REF: STATE 57005

¶1. (SBU) In a meeting with MFA Deputy Director General for American Affairs Apirath Vienravi and several members of the MFA's Department of Treaties and Legal Affairs, DCM delivered refTel request. In response to Department's request that the RTG provide an assurance that if the death sentence is imposed in Suwit's case it will not be carried out, Apirath respectfully informed DCM that such an assurance could not be given. Counselor from the Department of Treaties and Legal Affairs Ms Chavanart Thangsumphant noted that this request went beyond the language set in Article 6 of the extradition treaty between the US and Thailand. She further explained that the ultimate pardoning authority in a case such as this would be the monarchy and the monarchy cannot be asked to provide such a solid assurance based on a hypothetical situation.

¶2. (SBU) DCM next requested that the RTG provide an assurance that the competent Thai authority would recommend to the Thai pardoning authority that the death penalty be commuted if it is imposed. Apirath, with the concurrence of Chavanart and the other members of the Department of Treaties and Legal Affairs, replied that the RTG willingly provides this assurance.

¶3. (SBU) Chavanart clarified that the competent Thai authority to recommend such a pardon is the Ministry of Justice. Apinart and Chavanart assured that if the Thai court imposes a death sentence in the case of Suwit Prasoprat, the Ministry of Justice would recommend a pardon upon receiving the formal request to do so by the MFA, in accordance with Article 6. They further assured that, consistent with Article 6, in the event Prasoprat is sentenced to death the MFA will request the Ministry of Justice to make such a recommendation.

¶3. (SBU) DCM thanked Apirath for providing the assurance per Article 6 of the US - Thailand Extradition Treaty. DCM also thanked Apirath and his staff for meeting on such short notice in advance of Thailand's New Year holiday.
BOYCE